

500 Kinship

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500.2 Philosophy

Kinship care provides an opportunity for family members to give children the care, protection, and nurturing they need when a court determines that children cannot be cared for safely by their parents.

Kinship care encompasses three critical elements:

- A. Based on the needs of the child, kinship care is the first option assessed and considered when a child must be separated from his or her parents.
- B. Unless determined to be inappropriate, reunification with parents is the first step in permanency planning for children in kinship care.
- C. Services and supports are provided to children, parents, and kinship caregivers.

500.3 Guiding Principles

Kinship care strengthens and supports families to meet safety, nurturing, and family continuity needs of children by:

- A. Making it possible for children to live with persons they may already know and trust.
- B. Reducing the trauma children may experience when placed with strangers.
- C. Reinforcing children's family history, culture, and sense of identity.
- D. Maintaining children's connection with their siblings and other family members.
- E. Assisting families to consider and rely on family resources and strengths.
- F. Supporting families to provide children the support they need.

Kinship care includes elements of family preservation, foster care, child protection, and in-home services. Kinship care differs significantly from non-relative foster care in that established relationships may already exist between the child, the parents, and the kinship caregivers. The family dynamics that operate within these relationships affect not only the family but also influence the manner in which the family interacts with the agency.

Permanency planning for children in kinship care differs from non-relative foster care due to several factors:

- A. Some relatives may not be willing to adopt but are willing to care for children on a long-term basis.
- B. Relatives may feel the child already has a family and adoption is unnecessary.
- C. Relatives may be concerned that termination of parental rights may harm the relationship between the relative and the child's parents.
- D. Relatives may need ongoing financial and medical assistance to care for the child.

As a result of these factors no single procedure will be appropriate to formalize permanency in all kinship cases. A variety of options to formalize permanency must be

collaboratively explored and developed by the parents, the kinship caregiver, the caseworker, the child (when age appropriate), and family team members.

These options include return home, placement with a non-custodial parent if appropriate, permanent custody and guardianship with the kinship caregiver, adoption by the kinship caregiver, long-term kinship care, and non-relative adoption.

500.4 Division And Worker Expectations

In order to implement supports and services that specifically address the needs and potential of children and families involved in kinship care, the worker will engage the family in the process of identifying relatives and gathering information that will build upon the functional assessment that incorporates the following:

Search for Relatives

Research and identify relatives who are able and willing to care for the child and when applicable follow Indian Child Welfare Act (ICWA) guidelines for an Indian child.

Assessment and Approval

Assess the willingness, ability, and appropriateness of the kinship caregivers to provide a safe, stable, and nurturing home for a child.

Involve the parents, kinship caregivers, and other relatives in the assessment of the child and family strengths, needs, and resources; and facilitate family decision-making regarding the safety, well-being, and stability of the child.

Services for Children, Parents, and Kinship Caregivers

Provide services to meet the health, emotional, educational, social, and personal relation needs of the child.

Provide the services parents need to achieve reunification, address the issues that resulted in kinship care, and enhance their performance as parents.

Provide the kinship caregivers the services they require to meet the child's needs; assist the parents in meeting their responsibilities as caregivers.

Assist in locating resources to obtain financial support for children in kinship care.

Permanency Planning

Collaboratively develop a permanency plan with the parents, kinship caregiver, child, and other members of the family team that will provide a safe and nurturing relationship intended to last a lifetime.

501 **Emergency Kinship Placement**

Major objectives:

Prior to placing a child in shelter care, the Child and Family Services CPS worker may place a child in a temporary emergency kinship placement, at the request of the child's parents or guardian, or at his or her own discretion. Safety and health of the child, as well as best interest, should drive this decision. When the worker takes this action they will ensure that a shelter hearing is requested, as required by law.

Summary of the Law

62A-4a-209. Emergency kinship placement.

(1) The division may use an emergency kinship placement under Subsection 62A-4a-202.1(6) when:

(a) the case worker has made the determination that:

(i) the child's home is unsafe;

(ii) removal is necessary under the provisions of Section 62A-4a-202.1; and

(iii) the child's custodial parent or guardian will agree to not remove the child from the relative's home who serves as the kinship placement and not have any contact with the child until after the shelter hearing required by Section 78-3a-306;

(b) a relative, with preference being given to a noncustodial parent in accordance with Section 78-3a-307, can be identified who has the ability and is willing to provide care for the child who would otherwise be placed in shelter care, including:

(i) taking the child to medical, mental health, dental, and educational appointments at the request of the division; and

(ii) the relative has the ability to make the child available to division services and the guardian ad litem; and

(c) the relative agrees to care for the child on an emergency basis under the following conditions:

(i) the relative meets the criteria for an emergency kinship placement under Subsection (2);

(ii) the relative agrees to not allow the custodial parent or guardian to have any contact with the child until after the shelter hearing unless authorized by the division in writing;

(iii) the relative agrees to contact law enforcement and the division if the custodial parent or guardian attempts to make unauthorized contact with the child;

(iv) the relative agrees to allow the division and the child's guardian ad litem to have access to the child;

(v) the relative has been informed and understands that the division may continue to search for other possible kinship placements for long-term care, if needed;

(vi) the relative is willing to assist the custodial parent or guardian in reunification efforts at the request of the division, and to follow all court orders; and

(vii) the child is comfortable with the relative.

(2) Before the division places a child in an emergency kinship placement, the division must:

- (a) request the name of a reference and when possible, contact the reference and determine the answer to the following questions:
 - (i) would the person identified as a reference place a child in the home of the emergency kinship placement; and
 - (ii) are there any other relatives to consider as a possible emergency or long-term placement for the child;
- (b) have the custodial parent or guardian sign an emergency kinship placement agreement form during the investigation;
- (c) complete a criminal background check described in Sections 62A-4a-202.4 and 78-3a-307.1 on all persons living in the relative's household;
- (d) complete a home inspection of the relative's home; and
- (e) have the emergency kinship placement approved by a family service specialist.

(3) As soon as possible after the emergency placement and prior to the shelter hearing required by Section 78-3a-306, the division shall convene a family unity meeting.

(4) After an emergency kinship placement, the division caseworker must:

- (a) respond to the emergency kinship placement's calls within one hour if the custodial parents or guardians attempt to make unauthorized contact with the child or attempt to remove the child;
- (b) complete all removal paperwork, including the notice provided to the custodial parents and guardians under Section 78-3a-306;
- (c) contact the attorney general to schedule a shelter hearing;
- (d) complete the kinship procedures required in Section 78-3a-307, including, within five days after placement, the criminal history record check described in Subsection (5); and
- (e) continue to search for other relatives as a possible long-term placement, if needed.

(5) (a) In order to determine the suitability of the kinship placement and to conduct a background screening and investigation of individuals living in the household in which a child is placed, each individual living in the household in which the child is placed who has not lived in the state substantially year round for the most recent five consecutive years ending on the date the investigation is commenced shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the division to the Federal Bureau of Investigation for a national criminal history record check.

(b) The cost of those investigations shall be borne by whomever received placement of the child, except that the division may pay all or part of the cost of those investigations if the person with whom the child is placed is unable to pay.

[See: Administrative Rule [R512-500](#), which also follows the Kinship Practice Guidelines.]

Procedures

A. When to use an emergency kinship placement:

1. When the Child and Family Services CPS worker has made the determination that the child's home is unsafe, removal is necessary, and the child's custodial parent or guardian will agree not to remove the child from the relative's home and not to have any contact with child until after the shelter hearing.
2. When a relative can be identified who has the ability and is willing to provide care for the child who would otherwise be placed in shelter care (including taking the child to medical, mental health, dental, and educational appointments at the request of Child and Family Services). The non-custodial parent needs to be given preference when determined fit and the placement is safe and appropriate, in accordance with Utah Code Ann. [§78-3a-307](#), who has the ability and is willing to provide care for the child.
3. When the relative lives within a reasonable one-hour driving distance.
4. When the relative agrees to care for the child on an emergency basis under the following conditions:
 - a. The relative meets the criteria for an emergency kinship placement;
 - b. The relative agrees not to allow the custodial parent or guardian to have any unauthorized contact with the child until after the shelter hearing and to contact law enforcement and Child and Family Services if the custodial parent or guardian attempts to make contact with the child;
 - c. The Child and Family Services CPS worker must authorize any contact with the parent/guardian in writing (contact sheet);
 - d. The relative must agree not to talk to the child about the events that led to the removal;
 - e. The relative agrees to allow Child and Family Services and the child's Guardian ad Litem (GAL) to have access to the child;
 - f. The relative has been informed and understands that while they may be asked to be a potential long-term placement (guardianship or adoption), Child and Family Services will continue to search for

- 257 other possible potential kinship placements for long-term care, if
258 needed;
- 259 g. The relative must be willing to assist the custodial parent or
260 guardian in reunification efforts at the request of Child and Family
261 Services and to follow all court orders;
- 262 h. The child is comfortable with the relative;
- 263 i. The child's custodial parents will agree not to remove the child
264 from the home of the kinship placement;
- 265 j. The relative has the ability to make the child available to Child and
266 Family Services and the GAL.
- 267
- 268 B. Criteria for an emergency kinship placement:
- 269 1. The relative will provide the following forms of identification:
- 270 a. Full names of all persons living in their household, including
271 maiden names;
- 272 b. Social Security Numbers for all persons living in the household;
- 273 c. Driver's licenses or other identification for all persons living in the
274 household, when available (the Child and Family Services CPS
275 worker only needs to see the Driver's licenses).
- 276 2. Complete BCI/NCIC and SAFE checks on all persons living in the
277 relative's household.
- 278 3. Complete a home inspection of the relative's home.
- 279 4. Request the name of one other relative as a quick reference. When
280 possible, contact the other relative and ask the following questions:
- 281 a. Would you place a child in this home? (referring to the home of the
282 emergency kinship placement);
- 283 b. Are there any other relatives who you would consider as a possible
284 emergency or long-term placement for the child?
- 285 5. Have the custodial parent or guardian sign an emergency kinship
286 placement agreement form (during the investigation).
- 287 6. The emergency kinship placement must be approved by a family service
288 specialist.
- 289
- 290 C. The Child and Family Services CPS worker's responsibility after the emergency
291 kinship placement is as follows:
- 292 1. Respond to the emergency kinship placement's calls within one hour if the
293 custodial parent or guardian attempts to make contact with the child and
294 remove the child.

- 295 2. Complete all removal paperwork, including Notice of Shelter provided to
296 the custodial parents or guardians, and contact the Attorney General's
297 Office to schedule a shelter hearing.
298 3. Complete the regular kinship procedure on the emergency kinship
299 placement.
300 4. Continue to search for other kin as a possible long-term placement, if
301 needed.
302 5. Offer a family team meeting and convene this meeting prior to the shelter
303 hearing.
304

502 Placement With A Non-Custodial Natural Parent

Major objectives:

When a child cannot be cared for safely by his or her custodial natural parent, Child and Family Services will first determine if there is a non-custodial natural parent, locate the non-custodial natural parent, and determine if the non-custodial natural parent is fit and can take temporary custody of the child.

Summary of the Law

78-3a-307. Shelter hearing -- Placement with a noncustodial parent or relative -- Child and Family Services custody.

(1) (a) At the shelter hearing, when the court orders that a child be removed from the custody of his parent in accordance with the requirements of Section 78-3a-306, the court shall first determine whether there is another natural parent as defined in Subsection (1)(b), with whom the child was not residing at the time the events or conditions that brought him within the court's jurisdiction occurred, who desires to assume custody of the child. If that parent requests custody, the court shall place the minor with that parent unless it finds that the placement would be unsafe or otherwise detrimental to the child. The provisions of this Subsection (1) are limited by the provisions of Subsection (8)(b).

(b) Notwithstanding the provisions of Section 78-3a-103, for purposes of this section "natural parent" includes only a biological or adoptive mother, an adoptive father, or a biological father who was married to the child's biological mother at the time the child was conceived or born, or who has strictly complied with the provisions of Section 78-30-4.14 prior to removal of the child or voluntary surrender of the child by the custodial parent. This definition applies regardless of whether the child has been or will be placed with adoptive parents or whether adoption has been or will be considered as a long term goal for the child.

(c) (i) The court shall make a specific finding regarding the fitness of that parent to assume custody, and the safety and appropriateness of the placement.

(ii) The court shall, at a minimum, order the division to visit the parent's home, perform criminal background checks described in Sections 78-3a-307.1 and 62A-4a-202.4, and check the division's management information system for any previous reports of abuse or neglect received by the division regarding the parent at issue.

(iii) The court may order the Division of Child and Family Services to conduct any further investigation regarding the safety and appropriateness of the placement.

(iv) The division shall report its findings in writing to the court.

(v) The court may place the child in the temporary custody of the division, pending its determination regarding that placement.

(2) If the court orders placement with a parent under Subsection (1), the child and the parent are under the continuing jurisdiction of the court. The court may order that the parent assume custody subject to the supervision of the court, and order that services be provided to the parent from whose custody the child was removed, the parent who has assumed custody, or both. The court shall also provide for reasonable parent-time with the parent from whose custody the child was removed, unless parent-time is not in the best interest of the child. The court's order shall be periodically reviewed to determine whether:

- (a) placement with the parent continues to be in the child's best interest;
- (b) the child should be returned to the original custodial parent;
- (c) the child should be placed with a relative, pursuant to Subsection (5); or
- (d) the child should be placed in the custody of the division.

(3) The time limitations described in Section 78-3a-311 with regard to reunification efforts, apply to children placed with a previously noncustodial parent in accordance with Subsection (1).

(4) Legal custody of the child is not affected by an order entered under Subsection (1) or (2). In order to affect a previous court order regarding legal custody, the party must petition that court for modification of the order.

Procedure

A. Prior to the shelter hearing the Child and Family Services worker needs to make a good faith effort to determine if there is a non-custodial natural parent and take as many of the following steps as necessary to locate the non-custodial natural parent:

1. Ask the custodial parent and the child about the non-custodial parent's whereabouts.
2. Contact relatives to obtain the name, address, and telephone numbers of the non-custodial natural parent.
3. Access the Office of Recovery Services National Parent Locator Service.

B. When the non-custodial parent has been located, the following tasks must be completed:

1. The Child and Family Services worker will refer the non-custodial parent to the nearest Child and Family Services office to:
 - a. Complete the necessary paperwork for the criminal background screening described in Utah Code Ann. [§62A-4a-202](#) and [§78-3a-307](#). If the non-custodial parent has not lived in Utah for five years, the non-custodial parent needs to submit fingerprints for an FBI criminal background check through the national criminal history system (NCIC);

- b. Submit a copy of the Driver's license or other government issue picture identification so that Child and Family Services can verify the identity of the non-custodial parent.
 2. The Child and Family Services office closest to the relative's home will transmit the information to the originating Child and Family Services office. The originating office will conduct the criminal background screening and check the Child and Family Services management information system for any previous reports of abuse and neglect on the non-custodial parent.
 3. The region in which the non-custodial parent resides will conduct an assessment of the non-custodial parent by taking the following steps:
 - b. Home inspection that will assess space, accommodations, cleanliness, housekeeping, safety, food, and supplies;
 - c. Interview the non-custodial parent to determine the following:
 - i. Nature and quality of the relationship between the child and non-custodial parent;
 - ii. Ability and desire to protect the child from further abuse and neglect; and
 - iii. Ability to resist unauthorized requests by the parent for access to the child.
 4. The Child and Family Services worker will interview the child (when age appropriate) as to their relationship and comfort level with the non-custodial parent.
 5. The Child and Family Services worker will discuss the findings of the assessment with the supervisor and prepare a written report for the court outlining the following:
 - a. Findings of the assessment regarding the fitness of the non-custodial parent to assume temporary custody of the child and provide a safe and appropriate placement;
 - b. Copies of BCI and SAFE reports;
 - c. Description of any services and supports that should be provided by Child and Family Services to the non-custodial parent and the child;
 - d. Description of reunification services to be provided to the parent in accordance with Utah Code Ann. [§78-3a-311](#); and
 - e. A reasonable visitation schedule to maintain contact between the child and the original custodial parent, if it is in the best interest of the child.
 6. The Child and Family Services worker will submit a copy of the report to the Assistant Attorney General (AAG) and GAL. The AAG will present

the written report to the court. The court needs to determine if the non-custodial parent will assume temporary custody of the child.

7. When the court orders temporary custody with the non-custodial parent and orders Child and Family Services to provide services to the child, the Child and Family Services worker needs to assess the placement with the non-custodial parent within six months of the placement, unless otherwise ordered by the court. A written report of the findings of the assessment will be prepared by the Child and Family Services worker and will include a recommendation as to whether:

- a. The placement with the parent continues to be in the child's best interest;
- b. The child should be returned to the original custodial parent;
- c. The child should be placed with a relative; or
- d. The child should be placed in the custody of Child and Family Services.

503 Reasonable Search For Relatives

Major objectives:

When children cannot be cared for safely by either parent, a reasonable search for relatives for a kinship placement will be made by the Child and Family Services worker.

Summary of the Law

78-3a-307

(5) (a) If, at the time of the shelter hearing, a child is removed from the custody of his parent and is not placed in the custody of his other parent, the court shall, at that time, determine whether there is a relative who is able and willing to care for the child. The court may order the Division of Child and Family Services to conduct a reasonable search to determine whether there are relatives of the child who are willing and appropriate, in accordance with the requirements of this part and Title 62A, Chapter 4a, Part 2, Child Welfare Services, for placement of the child. The court shall order the parents to cooperate with the division, within five working days, to provide information regarding relatives who may be able and willing to care for the child. The child may be placed in the temporary custody of the division pending that determination. This section may not be construed as a guarantee that an identified relative will receive custody of the child. However, preferential consideration may be given to a relative's request for placement of the child, if it is in the best interest of the child, and the provisions of this section are satisfied.

Procedures

A. Prior to the shelter hearing, the Child and Family Services worker will perform a reasonable search to locate relatives by taking as many of the following steps as necessary to locate relatives: Interview the parent(s) to obtain the names, addresses, and telephone numbers of all possible relatives who would be willing and appropriate to care for the children on a temporary or permanent basis. The non-custodial parent needs to be given preference for placement when it is determined that the non-custodial parent is fit and the placement is safe and appropriate in accordance with Utah Code Ann. [§78-3a-307](#).

1. If a parent objects to Child and Family Services contacting a specific relative, the supervisor and the worker need to make a determination as to whether that relative should be contacted. In making this determination, the supervisor and the worker need to consider the following factors:
 - a. Whether the safety of the child or the parent will be jeopardized if the relative is contacted;

- b. Whether contacting the relative is in the best interest of the child; and
 - c. Whether contacting the relative will substantially limit Child and Family Services' ability to work with the parent to the detriment of the child.
 - 2. If the parent is uncooperative in providing the names of relatives, the worker should contact the AAG and request that the court order the parent to provide the names of all possible relatives within five working days.
 - a. Interview the child for names, addresses, and telephone numbers of relatives known to the child; and
 - b. Use a child and family team meeting to ask participants to help identify other relatives who may be willing and appropriate to care for the child.
- B. The Child and Family Services worker needs to contact the identified relatives by telephone, disclosing only the information necessary to assess their interest in accepting placement of the child, and to help identify additional relatives. The relative will be informed that the information disclosed is confidential.
- C. Preferential consideration of a relative for placement of a child may be given if it is in the best interest of the child. Any preferential consideration expires 120 days from the date of the shelter hearing. After that time period has expired, a relative who has not obtained custody or asserted an interest in a child may not be granted preferential consideration by Child and Family Services or the court. The relative needs to be assessed and considered in the same manner as all other potential placement resources.
 - 1. At the shelter hearing or subsequent hearings, the Child and Family Services worker needs to provide the GAL, the AAG, and the court with a written report detailing the progress and results of the search and assessment for all relatives.
 - 2. Following the shelter hearing, the Child and Family Services worker will continue to search for relatives if a long-term kinship placement has not been identified or if it is in the best interest of the child.

504 Assessment Of Relatives For Kinship Care

Major objectives:

- A. When family members are identified, the Child and Family Services worker will conduct an assessment to determine the ability and willingness of the relative to provide a safe, stable, nurturing home for the child.
- B. When a relative asserts an interest in the child within 120 days of the shelter hearing, Child and Family Services will assess relatives on their own merits and not in comparison with any other licensed provider.

Summary of the Law

78-3a-307

(b) (i) If a willing relative is identified pursuant to Subsection (5)(a), the court shall make a specific finding regarding the fitness of that relative to assume custody, and the safety and appropriateness of placement with that relative. In order to be considered a "willing relative" under this section, the relative shall be willing to cooperate if the child's permanency goal is reunification with his parent or parents, and be willing to adopt or take permanent custody of the child if that is determined to be in the best interest of the child.

(ii) The court shall, at a minimum, order the division to conduct criminal background checks described in Sections 78-3a-307.1 and 62A-4a-202.4, visit the relative's home, check the division's management information system for any previous reports of abuse or neglect regarding the relative at issue, report its findings in writing to the court, and provide sufficient information so that the court may determine whether:

(A) the relative has any history of abusive or neglectful behavior toward other children that may indicate or present a danger to this child;

(B) the child is comfortable with the relative;

(C) the relative recognizes the parent's history of abuse and is determined to protect the child;

(D) the relative is strong enough to resist inappropriate requests by the parent for access to the child, in accordance with court orders;

(E) the relative is committed to caring for the child as long as necessary; and

(F) the relative can provide a secure and stable environment for the child.

(iii) The court may order the Division of Child and Family Services to conduct any further investigation regarding the safety and appropriateness of the placement.

(iv) The division shall complete and file its assessment regarding placement with a relative as soon as practicable, in an effort to facilitate placement of the child with a relative.

(c) The court may place the child in the temporary custody of the division, pending the division's investigation pursuant to Subsection (5)(b), and the court's determination regarding that placement. The court shall ultimately base its determination regarding placement with a relative on the best interest of the child.

(d) For purposes of this section, "relative" means an adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling of the child. In the case of a child defined as an "Indian" under the Indian Child Welfare Act, 25 U.S.C. Section 1903, "relative" also means an "extended family member" as defined by that statute.

(6) (a) When the court vests physical custody of a child with a relative pursuant to Subsection (5), it shall order that the relative assume custody subject to the continuing supervision of the court, and shall order that any necessary services be provided to the minor and the relative. That child is not within the temporary custody or custody of the Division of Child and Family Services. The child and any relative with whom the child is placed are under the continuing jurisdiction of the court. The court may enter any order that it considers necessary for the protection and best interest of the child. The court shall provide for reasonable parent-time with the parent or parents from whose custody the child was removed unless parent-time is not in the best interest of the child.

(b) (i) Placement with a relative pursuant to Subsection (5) shall be periodically reviewed by the court, no less often than every six months, to determine whether:

(A) placement with the relative continues to be in the child's best interest;

(B) the child should be returned home; or

(C) the child should be placed in the custody of the division.

(ii) No later than 12 months after placement with a relative the court shall schedule a hearing for the purpose of entering a permanent order in accordance with the best interest of the child.

(iii) The time limitations described in Section 78-3a-311, with regard to reunification efforts, apply to children placed with a relative pursuant to Subsection (5).

(7) When the court orders that a child be removed from the custody of his parent and does not vest custody in another parent or relative under this section, the court shall order that the child be placed in the temporary custody of the Division of Child and Family Services, to proceed to adjudication and disposition and to be provided with care and services in accordance with this chapter and Title 62A, Chapter 4a, Child and Family Services.

(8) (a) Any preferential consideration that a relative may be initially granted pursuant to Subsection (5) expires 120 days from the date of the shelter hearing. After that time period has expired, a relative who has not obtained custody or asserted an interest in a child, may not be granted preferential consideration by the division or the court.

(b) When the time period described in Subsection (8)(a) has expired, the preferential consideration which may initially be granted to a natural parent in accordance with

Subsection (1), is limited. After that time the court shall base its custody decision on the best interest of the child.

Procedure

- A. When contact is made with a relative wishing to be considered as a kinship placement, the following tasks will be completed by the Child and Family Services worker:
1. Refer the relative to the nearest Child and Family Services office in order to:
 - a. Complete the necessary paperwork for the criminal background screening described in Utah Code Ann. [§62A-4a-202](#) and [§78-3a-307](#) for all persons over the age of 18 years living in the relative's home;
 - b. Submit a copy of a Driver's license or other government issue picture identification so that Child and Family Services can verify identity for all persons over 18 years of age living in the relative's home;
 - c. The Child and Family Services office closest to the relative's home will transmit the information to the originating Child and Family Services office;
 - d. Request the originating office to conduct the criminal background screening and check the Child and Family Services management information system for any previous reports of abuse or neglect on the relative.
 2. Inform the relative family of the following:
 - a. Presenting problems that resulted in the child being removed from the home;
 - b. Problems, behaviors, strengths, and needs of the child being considered for placement;
 - c. Health care status including special needs, medications, immunizations, medical care providers, etc.;
 - d. Safety and risk concerns, known to Child and Family Services, that may impact the relative's family;
 - e. Roles and expectations of Child and Family Services, the juvenile court, and the court appointed GAL;
 - f. Roles, responsibilities, and requirements of the kinship caregiver including:
 - i. Protecting, nurturing, and caring for the child in their care for a temporary or extended period of time;
 - ii. Assuring that the child's needs are met;

- iii. Helping the child to reunify with his or her parents whenever possible;
 - iv. Helping the parents make the changes necessary to resume parenting;
 - v. Becoming actively involved in establishing and achieving a permanent plan for the child if the child is unable to return to their parents;
 - vi. Contacting law enforcement and Child and Family Services if the parent attempts to make unauthorized contact with the child; and
 - vii. Following all court orders.
2. Preferential consideration of a relative for placement of the child expires 120 days from the date of the shelter hearing. If Child and Family Services identifies a relative or a relative comes forward after 120 days from the date of the shelter hearing, the relative needs to be assessed and considered in the same manner as all other potential placement resources.
3. Provide the relative with the Kinship Handbook and review the handbook with them.
4. Conduct an assessment of the relative family and prepare a written report that provides sufficient information to the court for placement decisions by taking the following steps:
- a. Home inspection that will assess space, accommodations, cleanliness, housekeeping, safety, food, and supplies; and
 - b. Interview the relative family regarding the following:
 - i. Nature and quality of the relationship between the child and the relative;
 - ii. Acceptance of and willingness to abide by the CPS/court findings regarding the abuse, and their ability and desire to protect the child from further abuse and neglect;
 - iii. Ability and commitment to provide a nurturing and stable environment, and meet the developmental, educational, and emotional needs of the child as long as necessary;
 - iv. Willingness to adopt or take permanent custody of the child;
 - v. Ability to resist unauthorized requests by the parent for access to the child and commitment to implement safety measures;
 - vi. Willingness to integrate the child into their family structure;
 - vii. Nature and quality of the relationship between the parent and the relative;

- viii. Incidents of abuse, neglect, and domestic violence within the relative home;
 - ix. Abuse of alcohol and other drugs in the relative home;
 - x. Willingness and ability to cooperate with Child and Family Services and all other support services;
 - xi. Access to existing supports;
 - xii. Number of children already being cared for by the relative and the needs and safety of other children in the home;
 - xiii. Health needs, including the age of the caregiver, in light of the child's developmental and long-term needs;
 - xiv. Possibility that family members will pressure the child to recant regarding the disclosure of abuse;
 - xv. Ability and willingness to resolve past or present issues with the parent and renegotiate parental roles;
 - xvi. Attitude about allowing the parent's extended family to be involved with the child;
 - xvii. Determine how the relative will manage the court-ordered parental involvement;
 - xviii. Ability and willingness to work with the parent toward reunification with the child;
 - xix. Financial impacts that would result if the child were placed with the relative on a temporary or permanent basis; and
 - xx. Proximity of the relative's home to the child's parent's home and community.
5. Interview another relative or referent identified by the relative regarding their knowledge and perception of the care and commitment of the prospective kinship caregiver toward caring for the child.
6. Interview the child as to their perception, knowledge, relationship, and comfort level with the relative.
7. Interview the parents as to their knowledge of the care and commitment of the relative toward the child and their concerns, if any, about the placement of the child with the relative.
8. Explain to the relative the possible financial and medical resources available to meet their needs. This could include TANF Specified Relative payment, foster care payments, adoption subsidies, guardianship subsidies, Social Security, and Medicaid.
9. Discuss the findings of the assessment with the supervisor to make a recommendation to place or not to place the child in the home of the relative. Caseworkers will evaluate potential kinship placements according to the requirements in Utah Code Ann. [§78-3a-307](#).

10. Inform the AAG and GAL of the findings of the assessment, and provide copies of the BCI and SAFE reports and placement recommendations to be presented to the court.

B. If more than one relative requests consideration for temporary or permanent placement of the child, the Child and Family Services worker needs to:

1. Provide each relative with specific information on the methods and criteria used to assess suitability of a relative's home for the placement of the child.

2. Conduct a child and family team meeting for the purpose of assisting the relatives to come to consensus regarding which relative would be the most appropriate placement for the child.

3. Determine which relative is most appropriate. In making this decision, the Child and Family Services worker and supervisor needs to include in their consideration which relative has the closest existing personal relationship with the child before making the recommendation to the court.

C. All assessment information on all relatives requesting consideration for placement will be presented to the court.

D. Once the placement decision has been made, Child and Family Services will inform relatives in writing that they were not selected as a temporary or permanent placement for the child. The supervisor needs to sign this letter, with a copy placed in the child's file.

505 Kinship Placement Options And Services

Major objectives:

Based on the needs of the child, the kinship assessment, as well as the financial and support needs of the kinship caregiver, the Child and Family Services worker will recommend to the court one of the following kinship placement options:

- A. Temporary custody and guardianship to the kinship caregiver and court-ordered kinship support services.
- B. Temporary custody and guardianship to Child and Family Services, licensed foster care with the kinship caregiver, and out-of-home services provided by Child and Family Services.
- C. Permanent custody and guardianship to the kinship caregiver and services provided by Child and Family Services when requested by the kinship caregiver.

Summary of the Law

No governing statute.

Procedure

- A. The Child and Family Services worker will consider and assess the following issues when recommending kinship foster care:
 - 1. The child has significant and extensive medical, mental health, and/or developmental needs and the resources and benefits available to the kinship caregiver are insufficient to reliably cover the costs of the child's present or anticipated care and treatment.
 - 2. The child's needs are such that financial resources in addition to the TANF Specified Relative payment are needed to adequately care for the child.
 - 3. The kinship caregiver is interested in adopting the child, reunification is not possible, and the child may need ongoing services funded through an adoption subsidy.

506 Temporary Custody And Guardianship With The Kinship Caregiver And Court-Ordered Kinship Support Services (KSS)

Major objectives:

The Child and Family Services worker may recommend to the court that the child be placed in the temporary custody of a kinship caregiver and that Child and Family Services provide a comprehensive array of kinship support services (KSS) to the child, the kinship caregiver, and the parent.

Summary of the Law

No governing statute.

Procedures

- A. Temporary custody to the kinship caregiver and court-ordered kinship support services may be recommended to the court when the initial permanency goal is reunification and the kinship caregiver has agreed to:
 1. Work with the parent and Child and Family Services to reunify the child with the parent.
 2. Cooperate with Child and Family Services, the GAL, the AAG, and other support agencies.
 3. Follow all court orders.
 4. Commit to the long-term permanency plan, which may include adoption or permanent custody and guardianship of the child by the kinship caregiver.
 5. Resist and report inappropriate and unauthorized requests by the parent for access to the child.
 6. Commit to protect and care for the child as long as necessary.
 7. Provide a secure and stable environment for the child.
- B. The kinship caregiver needs to have the ability, commitment, and resources to access and use the services needed to address the child's developmental, mental health, educational, or medical needs.
- C. The Child and Family Services worker needs to provide the kinship caregiver with the following supports and services to meet the child's needs, assist the child's parents, and meet the relative's needs as caregivers:
 1. Provide kinship support services for a minimum of six months unless otherwise ordered by the court.

2. Contact the kinship caregiver within five working days of placement and visit the kinship caregiver's home within 10 working days of placement to:
 - a. Observe the conditions and circumstances of the kinship caregiver's home;
 - b. Determine the health, well-being, and safety of the child; and
 - c. Identify any resource and service needs of the kinship caregiver and the child.
3. Assist in obtaining needed supports and services, which may include day care, respite care, transportation, and counseling.
4. Assist in obtaining any necessary financial and medical assistance for the child and the kinship caregiver, within 30 days of placement, which needs to include:
 - a. Explanation of the tasks needed for meeting eligibility criteria for specific funding sources;
 - b. Technical assistance in securing documentation (i.e., Social Security cards, birth certificates, legal documents) necessary for completing financial applications; and
 - c. Advocacy for the kinship caregiver with potential funding sources throughout the application, interview, and evaluation processes.
5. Provide an opportunity for input into the service plan and participation in ongoing child and family team meetings.
6. Thoroughly discuss the reunification services, the permanency plan, and the permanency time frames with the kinship caregiver.
7. Offer and provide training and workshops based on the needs and interests of the kinship caregiver.
8. Conduct a minimum of one visit per month to the home of the kinship caregiver. The worker may make additional visits if the kinship caregiver needs assistance and instruction to deal with the child's special needs or if Child and Family Services has reason to believe that the parent may harass or interfere with the kinship caregiver and help is needed to cope with the interference.
9. Assist in establishing a specific visitation plan as part of the service plan between the child and the parent and develop the rules that will govern the visits. Visits between the child and the parent will occur a minimum of one time per month. If problems arise with visitation, the kinship caregiver can request Child and Family Services to be actively involved in establishing visitation guidelines and schedules.
10. Assist in maintaining relationships with other extended family when possible and appropriate.

- 847 11. Provide access to a Child and Family Services family resource consultant
848 to provide support, respond to questions and solve problems, offer
849 referrals to training and workshops, conduct face-to-face quarterly field
850 visits, and provide resource consultation.
851
- 852 D. The Child and Family Services worker needs to provide the following services
853 and supports to meet the needs of the child and needs to work collaboratively
854 with the kinship caregiver to enable the child to receive the needed services:
855 1. Assist the kinship caregiver in setting up and attending the child's
856 required mental health, dental, and health assessments. The assessment
857 appointment needs to be scheduled within 30 days of placement.
858 Ongoing treatment recommendations will be incorporated into the service
859 plan and monitored by the caseworker. The Child and Family Services
860 worker will report to the court, the GAL, and the AAG the status of the
861 assessments.
862 2. Conduct a minimum of one visit per month with the child (this may occur
863 at the same time as the visit with the kinship caregiver). The Child and
864 Family Services worker will visit with the child outside the presence of the
865 kinship caregiver to help assure that the child has a safe and healthy
866 relationship with the caregiver.
867 3. Contact an individual other than the kinship caregiver who knows the
868 child and who can provide feedback on the child's well-being.
869 4. Facilitate contact and visits between the child and the parent unless safety
870 concerns exist.
871 5. Share information about the parent's activities and progress toward
872 reunification or other permanency options.
873 6. Prepare the child to return to the parent's care or another permanent
874 arrangement including adoption or permanent guardianship by the
875 kinship caregiver.
876 7. Assist in maintaining relationships with siblings through visits and shared
877 activities whenever possible.
878 8. Provide an opportunity for input into the service plan, when age
879 appropriate, and identify the roles and responsibilities of the child in the
880 service plan.
881 9. Advocate for the child in negotiating with other service systems and
882 brokering access to resources for the child.
883
- 884 E. The Child and Family Services worker needs to provide the following services to
885 parents that will support and enhance their functioning as parents:

1. Involve parents in service planning and thoroughly inform them of their roles and responsibilities in the plan (if circumstances warrant, separate plans may be developed for each parent).
2. Invite parents to participate in ongoing child and family team meetings to assess progress in meeting the service plan and the permanency planning goals.
3. Assist parents in addressing the problems that led to their child's placement in kinship care and deliver or provide access to the services needed to remedy those problems to achieve reunification.
4. Include as part of the service plan a visitation schedule to maintain contact with the child that meets the needs of the child, parent, and kinship caregiver in consultation with the GAL.
5. Deliver or provide access to services and resources to prepare the parents for reunification or other permanency options for the child.

507 Periodic Review Of Kinship Placement

Major objectives:

Child and Family Services will periodically re-evaluate the appropriateness of the kinship placement in consultation with the Child and Family Team.

Summary of the Law

No governing statute.

Procedures

- A. The Child and Family Services worker needs to assess the kinship placement and the reunification efforts within six months of the placement, unless otherwise ordered by the court. The assessment needs to address the following:
1. Has the parent made reasonable efforts to comply with the offered reunification services and the service plan?
 2. Is the continuation of the placement in the child's best interests by supporting the safety, permanency, and well-being of the child?
 3. Can the child and the kinship caregiver maintain a stable relationship and function effectively with reduced or increased services from Child and Family Services?
 4. Does the child have an ongoing need for financial assistance beyond basic maintenance?
 5. Does the child and kinship caregiver require the ongoing services of a caseworker?
 6. Can the child's needs be met through the kinship caregiver's use of community resources and has the kinship caregiver agreed to access or continue to maintain those services?
- B. The Child and Family Services worker needs to report the findings of the placement assessment and make a recommendation to the court as to whether:
1. The placement with the kinship caregiver continues to be in the best interest of the child.
 2. The child should be returned home.
 3. The child should be placed in the custody of Child and Family Services.

508 Statutory Timelines For Establishing Permanency

Major objectives:

Child and Family Services will seek assistance from legal counsel in a timely manner in order to meet statutory requirements for establishing permanency and the needs of the child.

Summary of the Law

No governing statute.

Procedure

- A. The Child and Family Services worker needs to contact the AAG within 30 days of determining that reunification is no longer the primary permanency goal or no later than eight months after placement for children under the age of 36 months, and no later than 12 months after placement for children over the age of 36 months, to request a permanency hearing in accordance to Utah Code Ann. [§78-3a-312](#).
- B. Several permanency options are available for children placed in the temporary custody of a kinship caregiver:
1. Reunification with the parent.
 2. Permanent custody and guardianship with the kinship caregiver.
 3. Adoption by the kinship caregiver or another relative.
 4. Non-relative adoption.

509 Preparing Kin For Permanency Plan

Major objectives:

Child and Family Services will adequately prepare the child's kin for a permanency plan.

Summary of the Law

No governing statute.

Procedure

A. In order to recommend the most appropriate final permanency plan for the child, the Child and Family Services worker needs to ensure the following issues are addressed:

1. If reunification with the parent is recommended:

- a. Conditions, circumstances, or risks that resulted in removal of the child have been sufficiently reduced;
- b. Reunification with the parent is in the best interest of the child;
- c. Substantial efforts to comply with the service plan have been made by the parent; and
- d. A transition plan for the child's safe return home includes follow-up supervision, services to the child, and services to the parent.

2. If permanent custody and guardianship with the kinship caregiver is recommended:

- a. Reasonable efforts to reunify the child and parent were not successful or were not ordered by the court;
- b. Permanent custody and guardianship is in the best interest of the child and is preferable to other permanency options;
- c. The kinship caregiver is informed of the child's special needs and the circumstances of the child's removal;
- d. The child and the kinship caregiver can maintain a stable, safe, and nurturing relationship;
- e. The child's needs can be met through the kinship caregiver's use of community resources;
- f. The kinship caregiver has been informed that they may contact the Child and Family Services family resource consultant at any time in the future if services or supports are needed for themselves or the child; and

- 1002 g. The parent has been informed of the child support obligation they
1003 will be required to provide if the kinship caregiver continues to
1004 receive a TANF Specified Relative payment.
- 1005 3. If termination of parental rights and adoption are recommended:
- 1006 a. Facts and circumstances support termination;
- 1007 b. Reasonable efforts to reunify the child and the parent were
1008 unsuccessful or were not ordered by the court;
- 1009 c. ICWA requirements have been met for an Indian child; and
- 1010 d. Attitudes and wishes of the child regarding adoption and
1011 termination of parental rights have been considered.
- 1012

510 Temporary Custody And Guardianship With Child And Family Services And Licensed Kinship Foster Care (KFC)

Major objectives:

The Child and Family Services worker may recommend to the court that temporary custody of the child be ordered to Child and Family Services, the child be placed in the home of a kinship caregiver, the identified kinship caregiver becomes a licensed foster care provider, and Child and Family Services provides out-of-home care services (KFC).

Summary of the Law

No governing statute.

Procedures

- A. The Child and Family Services worker needs to follow the out-of-home principles and procedures when a child is placed in kinship foster care. The Child and Family Services worker needs to provide the kinship caregiver with the following supports and services to meet the child's needs, assist the child's parents, and meet the kinship caregiver's needs:
1. Assist in obtaining needed supports and services, which may include day care, respite care, transportation, and counseling.
 2. Access to a family resource consultant to provide support, respond to questions and solve problems, offer referrals to training and workshops, conduct face-to-face quarterly field visits, and provide resource consultation.
 3. Conduct additional visits to the home of the kinship caregiver if the kinship caregiver needs assistance and instruction to deal with the child's special needs, or if Child and Family Services has reason to believe that the parent may harass or interfere with the kinship caregiver and help is needed to cope with the interference.
 4. Assist in establishing a specific visitation plan between the child and the parent and develop rules that will govern the visits. If problems arise with visitation, the kinship caregiver can request Child and Family Services to be actively involved in establishing visitation guidelines and schedules.
- B. In order to assist the kinship caregiver to become a licensed foster home, the Child and Family Services worker needs to:

- 1051 1. Refer the kinship caregiver to the Office of Licensing to apply for a specific
1052 foster care license and provide follow-up assistance and advocacy until
1053 the license is completed.
- 1054 2. Forward to the Office of Licensing a copy of the completed Kinship Home
1055 Study and the results of the criminal background check on the kinship
1056 caregiver and all members of the household over the age of 18 years.
- 1057 3. Offer services and supports, as appropriate, to assist the kinship caregiver
1058 in adapting the home to meet licensing standards and the needs of the
1059 child.
- 1060

511 Permanent Custody With The Relative

Major objectives:

When, at the shelter hearing or subsequent hearing, the court orders permanent custody and guardianship of the child to the relative and the child is no longer under the jurisdiction of the court, the Child and Family Services worker needs to contact the relative to explain available services.

Summary of the Law

No governing statute.

Procedures

A. The Child and Family Services worker needs to do the following:

1. Contact the relative within five working days of the permanency order to:
 - a. Outline all possible financial and medical resources available for the child and family, discuss the financial impact to selecting certain financial supports, and provide technical assistance in securing the documentation necessary for completing financial applications; and
 - b. Provide information on available community resources including educational, recreational, and medical services that could assist the child and the relative family.
2. Assist the family with voluntary in-home services if requested by the kinship caregiver.
3. Inform the relative that they may contact the Child and Family Services family resource consultant at any time in the future if services or supports are needed for themselves or the child.

512 Preparing Kin For Permanency Decision

Major objectives:

The Child and Family Services caseworker will make reasonable efforts to adequately prepare kin for permanency hearings and decisions.

Summary of the Law

No governing statute.

Procedures

- A. At the permanency hearing, the Child and Family Services worker may recommend the following permanency options:
1. Reunification with parents.
 2. Permanent custody and guardianship with the kinship caregiver.
 3. Adoption by the kinship caregiver.
 4. Non-related adoption.
 5. Transition to independence.
 6. Long-term kinship care.
- B. If long-term kinship care is recommended, the Child and Family Services worker needs to ensure the following issues are addressed:
1. Reasonable efforts to reunify the child and parent were not successful.
 2. Long-term kinship care is in the child's best interest, provides stability and permanency, and is preferable to all other permanency options.
 3. Compelling reasons to not proceed with termination or permanent custody and guardianship have been documented on a case-by-case basis. The following examples may warrant not recommending a permanent home for the child:
 - a. A child's Indian tribe is opposed to termination of parental rights and has determined the child needs to remain with the kinship caregiver;
 - b. A child has complex and expensive mental health, medical, or developmental needs and the kinship caregiver's benefits and resources are insufficient to reliably cover the costs of the child's present or anticipated care and treatment;
 - c. A teenager is opposed to termination of parental rights and adoption;
 - d. Services identified in the case plan were not provided in a timely fashion;

- 1130 e. The parents have made substantial progress in eliminating the
1131 problems causing the child's continued placement, and it is likely
1132 that the child will be able to return home safely within several
1133 months.
1134
- 1135 C. At the permanency hearing, the Child and Family Services worker needs to make
1136 a permanency recommendation that may include the following permanency
1137 options:
1138 1. Reunification with parents.
1139 2. Permanent custody and guardianship with the kinship caregiver.
1140 3. Adoption by the kinship caregiver.
1141 4. Non-related adoption.
1142 5. Transition to independence.
1143 6. Long-term kinship care.
1144
- 1145 D. If long-term kinship care is recommended, the Child and Family Services worker
1146 needs to ensure the following issues are addressed:
1147 1. Reasonable efforts to reunify the child and parent were not successful.
1148 2. Long-term kinship care is in the child's best interest, provides stability and
1149 permanency, and is preferable to all other permanency options.
1150 3. Compelling reasons to not proceed with termination or permanent
1151 custody and guardianship have been documented on a case-by-case basis.
1152 The following examples may warrant not recommending a permanent
1153 home for the child:
1154 a. A child's Indian tribe is opposed to termination of parental rights
1155 and has determined the child needs to remain with the kinship
1156 caregiver;
1157 b. A child has complex and expensive mental health, medical, or
1158 developmental needs and the kinship caregiver's benefits and
1159 resources are insufficient to reliably cover the costs of the child's
1160 present or anticipated care and treatment;
1161 c. A teenager is opposed to termination of parental rights and
1162 adoption;
1163 d. Services identified in the case plan were not provided in a timely
1164 fashion;
1165 e. The parents have made substantial progress in eliminating the
1166 problems causing the child's continued placement, and it is likely
1167 that the child will be able to return home safely within several
1168 months.
1169

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ADMINISTRATIVE RULE

R512. Human Services, Child and Family Services.

R512-500. Kinship Services

R512-500-1. Purpose and Authority

A. The purpose of Kinship care is to:

1. make it possible for children who cannot remain safely at home to live with persons they may already know and trust;
2. reduce the trauma children may experience when placed with a non-relative caregiver who is not known to the child;
3. maintain children's family history, culture, and sense of identity;
4. assist families to consider and rely on family resources and strengths; and
5. support families to provide children the support they need.

b. Pursuant to Sections 62A-4a-209 and 78-3a-307, the Division of Child and Family Services (DCFS) is authorized to provide kinship placements and services.

R512-500-2. Qualifications

A. Relatives will be considered for an emergency kinship placement when they meet the requirements of Sections 62A-4a-209 and 78-3a-307 and the following:

1. When the relative agrees to care for the child on an emergency basis under the following conditions:

- a. The relative agrees not to allow the custodial parent or guardian to have any unauthorized contact with the child to contact law enforcement and DCFS if the custodial parent or guardian attempts to make unauthorized contact with the child;
- b. The relative will agree not to talk to the child about the events that led to the removal, if the child wishes to talk about the events leading to the removal, refer to a therapist or other trusted individual who is not the relative caregiver;
- c. The relative has been informed and understands that while they may be asked to be a potential long-term placement, DCFS will continue to search for other possible potential kinship placements for long-term care, if needed;
- d. The relative is willing to assist the custodial parent or guardian in reunification efforts at the request of DCFS and to follow all court orders.

B. Criteria for an emergency kinship placement:

1. A relative will be considered as an emergency placement only if willing to provide the following:

- a. Full names of all persons living in their household, including maiden names;
- b. Social Security Numbers for all persons living in the household;
- c. driver licenses or other identification for all persons living in the household, as applicable.

C. Assessment – Non-custodial Parent

- 1229 1. The region in which the non-custodial parent resides will conduct an assessment of
1230 the non-custodial parent as follows:
1231 a. home inspection that will assess space, accommodations, and safety.
1232 b. interview of the non-custodial parent to determine the following:
1233 i. nature and quality of the relationship between the child and non-custodial parent;
1234 ii. ability and desire to protect the child from further abuse and neglect.
1235 D. The DCFS worker will interview the child (when age appropriate) regarding the
1236 child's relationship and comfort level with the non-custodial parent.
1237 E. Deciding between Relatives.
1238 1. If more than one relative requests consideration for temporary or permanent
1239 placement of the child, the DCFS worker:
1240 a. Will provide each relative with specific information on the methods and criteria used
1241 to assess suitability of a relative's home for the placement of the child;
1242 b. May conduct a child and family team meeting for the purpose of assisting the
1243 relatives to come to consensus regarding which relative would be the most appropriate
1244 placement for the child;
1245 c. Will determine which relative has the closest existing personal relationship with the
1246 child before making the recommendation to the court.
1247 d. Will determine which placement should be made and make a recommendation to the
1248 court consistent with that determination.
1249